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Before the
**FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C. 20554

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| In the Matter of | ) | |
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| Local Exchange Carriers' Rates, | ) | |
| Terms, and Conditions for Expanded | ) | CC Docket No. 94-97, |
| Interconnection Through Virtual | ) | Phase I |
| Collocation for Special Access | ) | |
| and Switched Transport | ) | |



# Reply to Oppositions to Bell Atlantic's Direct Case

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| In the Matter of<br><br>Local Exchange Carriers' Rates, Terms, and Conditions for Expanded Interconnection Through Virtual Collocation for Special Access and Switched Transport | ) | CC Docket No. 94-97, Phase I |

**Reply to Oppositions to Bell Atlantic's[1] Direct Case**

I. Introduction and Summary

Bell Atlantic's Direct Case demonstrated that the overhead loadings contained in the virtual collocation tariffs are reasonable and meet all applicable Commission standards. The Direct Case also justified the short delay in filing information on maintenance costs, pending the filing of a revised tariff, although, at the staff's request, that information is attached to this filing. Accordingly, the Commission should deny the commenters' oppositions, approve Bell Atlantic's overhead loadings, and defer judgment on the maintenance issues.

II. Overhead Loading Standard

The overhead loading factors Bell Atlantic used for the rates in this tariff meet the Commission's standard that those factors may not be higher than those for "comparable [access]

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[1] The Bell Atlantic telephone companies ("Bell Atlantic") are Bell Atlantic-Delaware, Inc.; Bell Atlantic-Maryland, Inc.; Bell Atlantic-New Jersey, Inc.; Bell Atlantic-Pennsylvania, Inc.; Bell Atlantic-Virginia, Inc.; Bell Atlantic-Washington, D.C., Inc.; and Bell Atlantic-West Virginia, Inc.

services, absent justification."[2] The filing used ARMIS-based factors which were consistent with the factors used in prior physical and virtual collocation tariffs. The factors used here also met the Commission's standard, as they fell within the range of overheads carried by the family of comparable DS1 and DS3 access services. They were also lower than the directly-equivalent month-to-month DS1 and DS3 access services.

In suspending the virtual collocation tariffs and prescribing interim rates pending investigation, the Commission introduced a new "most-favored customer" standard.[3] That standard should be discarded for two reasons. First, the Commission cannot arbitrarily change to this standard for its final tariff prescription without notice and comment under the Administrative Procedure Act.[4] Second, the Commission should not look at overhead loadings alone in determining "most favored" services, because the overhead loading factor is just one component of the cost of a service. In some cases, services with the lowest unit charge carry higher overhead loadings than

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[2] ***Expanded Interconnection with Local Telephone Company Facilities, Memorandum Opinion and Order***, 9 FCC Rcd 5154 at ¶ 128 (1994).

[3] Under this standard, the virtual collocation tariff loadings must be no higher than those Bell Atlantic charges to its "most favored" DS1 or DS3 customers. ***Ameritech Operating Companies, et al, Order***, DA 94-1421 at ¶ 27 (rel. Dec. 9, 1994) ("Suspension Order").

[4] ***See*** 5 U.S.C. § 553.

services with higher unit costs.[5] Therefore, the "most-favored" customer may not be the one paying the lowest overhead loading.

The tariff provides collocators with the flexibility of month-to-month rates, but with lower overheads than the comparable month-to-month access charges. When Bell Atlantic introduces term virtual collocation rates later this year, Bell Atlantic intends to apply comparable overhead factors to such plans, and to the month-to-month rate, as are applied to the access services of the same capacity and term.

The most vocal opponent of Bell Atlantic's tariff, MFS, has itself argued strenuously in other fora that regulators should afford telephone companies "a high degree of flexibility in setting prices in response to market conditions, and [they] should not be required to use uniform overhead loadings.[6] The policy MFS advocated for itself in Maryland should be followed for Bell Atlantic before this Commission as well.

## III. Overhead Loading Calculation

In the Suspension Order, the Commission failed to calculate the interim overhead loadings based upon Bell Atlantic's comparable end-to-end service. It selected

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[5] For example, Bell Atlantic's popular DS3G access service offers a low unit charge, yet that service carries an overhead factor of 2.10, which is significantly higher than standard 5-year DS3 overheads.

[6] MFS Intelenet of Maryland, Inc. - Tariff Md. P.S.C. No. 2, Description and Justification at 10 (filed March 22, 1995) ("MFS Tariff Filing").

"comparable services" for this purpose based on the finding "that the DS1 and DS3 virtual collocation services are comparable to all point-to-point DS1 and DS3 services."[7] However the overhead loading the Commission used for the interim rates was not that used for "all" DS1 and DS3 services, but only the channel termination, without interoffice mileage.

Instead, the Commission should have assigned overheads that reflected a mixture of the two types of service, and any final prescription in this proceeding should calculate the loading in this manner. The proper overhead, under the Commission's own definition, can be calculated by using the overhead loading information provided in Bell Atlantic's Tariff Review Plan and the mix of services data found in the Direct Case, as shown in the following table:

[7] The Commission determined that point-to-point services take two forms - channel terminations with interoffice mileage ("IOF") and channel terminations without IOF. ***See*** Suspension Order at ¶¶ 17-18.

| SERVICE CATEGORY | OVERHEAD | % MIX | WEIGHTED OH |
|---|---|---|---|
| DS1 without IOF | 1.35 | 34% | 0.46 |
| DS1 with IOF | 2.01 | 66% | 1.33 |
| ***DS1 Service Overhead*** | | | **1.79** |
| DS3 without IOF | 1.23 | 77% | 0.95 |
| DS3 with IOF | 1.45 | 23% | 0.33 |
| ***DS3 Service Overhead*** | | | **1.28** |

Based upon this calculation, the overhead loading factor for DS1 virtual collocation service should have been 1.79, not 1.35, and the DS3 factor should have been 1.28, not 1.23.

Two of the commenters erroneously contend that Bell Atlantic's overhead loadings are so excessive that they cross-subsidize other services[8] and, in some unspecified manner, have a "predatory effect."[9] DS3G, an end user service, contributes over $3,500 to common overheads, yet an equivalently-sized collocation arrangement would generate less than $1,000 to common overheads. These figures belie any claims of cross-subsidization. In addition, the fact that the popular, competitive DS3G service provides any level of contribution is conclusive proof that claims of predatory pricing of that service can be summarily dismissed.[10]

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[8] MFS Communications Company, Inc. Opposition to Direct Cases at i ("MFS").

[9] Response to Phase I Direct cases By The Association for Local Telecommunications Services ("ALTS") at 13.

[10] Moreover, even if the tariff produced no contribution to common overhead, which is not the case, it would not be predatory if it covered incremental costs.

By the same token, the Commission should reject the claim that the interim prescribed overhead factors have become the "collocation standard."[11] The Commission prescribed the lowest overheads for any access service of the same capacity in part because collocators do not **yet** have available the same range of volume and term plan options offered to customers of comparable services. Once equivalent options are available to both sets of customers, both classes of service should reflect equivalent overheads for equivalent services.

MFS, in particular, seems to assume that any interstate tariff, even if not equivalent, that has a lower overhead factor, will force Bell Atlantic to reduce the factor in the virtual collocation tariff.[12] For example, MFS complains that the overheads applied to a specialized voice grade service for the federal government are more favorable than the "1.35 and 1.23 ratios established by the Commission."[13] The Commission, however, did not establish 1.35 and 1.23 as mandatory, permanent collocation overheads. Rather, the Commission prescribed those loadings for DS1 and DS3 services only pending completion of the investigation. In addition, despite MFS's assertions to the contrary, the overhead loadings applied to voice grade collocation services are identical to the overheads for the comparable specialized federal government voice grade services.

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[11] ***See*** MFS at i and ALTS at 13.

[12] MFS at 12.

[13] ***Id***. at 11-12.

Each class of service carries an overhead of 1.13 for 2-wire and 1.55 for 4-wire service.

## IV. Validity of Bell Atlantic's Cost Study For Maintenance Expenses

In its direct case, Bell Atlantic explained that it is conducting a new cost study and would file revised maintenance charges based on the results of that study by June 1, 1995. No purpose would be served by litigating the reasonableness of rates that will soon be superseded, and Bell Atlantic therefore asked the Commission to defer action on the maintenance charges until the new tariff was filed.

MFS, however, entirely misapprehends Bell Atlantic's motivation and goals in performing an updated cost study. MFS claims that "Bell Atlantic admits that its maintenance costs are overstated" because Bell Atlantic chose to devote its resources to developing a new cost study rather than submitting data that will be superseded by the time the Commission completes the investigation.[14] This is false. Bell Atlantic's initial tariff was based upon the best cost and demand data available at the time, and was fully justified on that basis. Collocation demand did not begin to develop materially until late in 1994; therefore, it did not make sense to initiate a new cost study until sufficient operational information was available. Bell Atlantic now has sufficient experience with service utilization

[14] ***Id.*** at i, 4-5.

and configurations, operating procedures, and customer requirements to perform a review of all aspects of the costs incurred in providing collocation arrangements.

Despite MFS's arguments that Bell Atlantic should have to file detailed justification of its soon-to-be-superseded maintenance costs, MFS could not provide similar justification for its own intrastate services under analogous circumstances. MFS argued that it "has no historical usage data from which to project usage trends. The Company does have business case projections from which it has attempted to estimate future usage, but it must be recognized that these projections are inherently more speculative than trends based on historical usage."[15] MFS seeks to require Bell Atlantic to provide far greater justification for the new collocation service than it could provide for its own Maryland tariff.

Based on its experience with increased collocation demand, Bell Atlantic has now undertaken to conduct an updated cost study, just as it would for any new service. Rather than trying to "'cook the books' and obfuscate the cost and rate relationships," as MFS claims,[16] Bell Atlantic's action of basing its tariff on actual experience and forward-looking costs is responsible ratemaking. MFS should applaud, rather than denigrate, Bell Atlantic's attempt to base the collocation tariff on the best data currently available.

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[15] MFS Tariff Filing at 7.

[16] MFS at 4.

MFS's claim that Bell Atlantic's demand reports will further discredit the original cost study is equally false.[17] Bell Atlantic assumed that, for the study planning period, in each central office with active collocation, there would be 1.33 collocators, 10.33 DS1s per collocator, and 2.39 DS3s per collocator. These figures were based on the assumption that significant planning would be required on the part of the collocator and that this would prevent rapid implementation. This assumption proved correct, because at the end of the planning period, Bell Atlantic actually had <u>less</u> demand than was originally forecast.[18]

Now that many of the regulatory uncertainties have been removed and initial planning has been completed, the demand for virtual collocation has increased and is expected to continue to increase. The forecast for the current cost study will reflect higher levels of demand.

Although there is no value in litigating the reasonableness of a tariff element that will never take effect and is soon to be superseded, the Common Carrier Bureau staff has asked Bell Atlantic to file the maintenance charge justification, and that justification is attached. While the justification demonstrates that the originally-filed rates are just and reasonable, the Commission should nonetheless defer action on

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[17] ***Id***. at n.25.

[18] The actual collocation count at the end of the planning period was 1 collocator per central office, with each having an average of 6.5 DS1s and zero DS3s.

this issue pending the filing of revised rates based upon the results of the updated cost study.

V. Equipment Installation Costs

MFS also portrays Bell Atlantic's equipment-installation charges as discriminatory, claiming that because MFS deploys the same type of equipment used by Bell Atlantic in a given office, no installation costs will be incurred.[19] As Bell Atlantic explained in the direct case, the costs to install equipment used to provide Bell Atlantic's comparable services are capitalized along with the equipment and recovered through the recurring charges for those services. There are no capital costs associated with the collocator-designated equipment - that equipment is being purchased from the collocator for one dollar. Because they are not included in the recurring charges, the installation costs must be recovered somewhere. In addition, the cost to install a particular item of equipment does not vary based on whether or not Bell Atlantic uses the type of equipment in the particular central office. Therefore, MFS's argument that there should be no installation charges because the equipment is the same as that used by Bell Atlantic is fallacious and should be rejected.

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[19] MFS at 12.

## VI. Conclusion

Accordingly, the Commission should approve the overhead loading factors in Bell Atlantic's virtual collocation tariff and defer deciding the reasonableness of the maintenance charges.

Respectfully submitted,

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## ISSUE B: ARE BELL ATLANTIC'S MAINTENANCE-RELATED CHARGES JUSTIFIED?

### INFORMATION REQUIREMENT[1]

***(a) Bell Atlantic must identify and describe each cost it intends to recover through its "maintenance-related" administrative charges for both DS1 and DS3 virtual collocation services.***

Bell Atlantic applies an administrative cost factor to the investment for each service to determine the appropriate share of administrative expenses that should be recovered by that service. As detailed below, the administrative cost factor recovers the costs required to operate the business and deliver telecommunications services, including such functions as planning, forecasting, rating, selling, and accounting. The administrative cost factor also recovers the cost of carrying support investments and other miscellaneous items. The cost of these functions cannot be determined precisely on a product-by-product basis.

Collocation services, like all other access services, require ongoing support activities which are currently captured by the administrative cost factor. Therefore, this administration factor was applied to the "surrogate" transmission equipment investment to determine the appropriate share of administrative expenses that should be recovered by the collocation services, *i.e.*, those costs which Bell Atlantic would have recovered if it had capitalized equipment purchased from a manufacturer or vendor, instead of buying it for one dollar from the collocator. This method of estimating administrative expenses by applying the administrative

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[1] Order Designating Issues for Investigation, DA 95-374 at ¶ 32 (CCB, rel. Feb.28, 1995), ("Order").

cost factor to the unit investment was also used to calculate the administrative expenses of comparable Bell Atlantic services.[2]

***(b) Bell Atlantic must identify and explain the specific functions that are involved in administering the maintenance of interconnector-designated equipment.***

Collocator-designated equipment requires many of the same administrative support functions that are required by other Bell Atlantic services. The administrative expenses are determined by the level of investment, not the amount of maintenance required. It is the use of the equipment that triggers the administrative expenses, not the actual activity of maintaining the equipment.

Some of the administrative functions that are required to provide collocation services include:

**Information Management:** Costs incurred in planning, developing, implementing, testing, and maintaining databases and applications systems for general purpose computers. Collocation services, like all other Bell Atlantic services, are supported by these computer information systems which handle such things as equipment testing, circuit tracking, and service billing.

**Network Administration:** The administration of Bell Atlantic's network requires monitoring and analyzing traffic data, maintaining cross-connect records, and engineering network trunking requirements. Collocation services interface with

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[2] Workpaper 2 (Issue A) lists the administrative cost factors by account and jurisdiction for both collocation services and comparable services.

Bell Atlantic's network; therefore, the collocation traffic must be included in the network administration plans.

**Product Management:** Product managers are responsible to develop tariffs which include the terms and conditions for service and rate structure and levels. They are responsible for keeping Bell Atlantic management and the customer-facing account teams informed of the latest product developments. Collocation services require extensive product management support.

**Sales:** Bell Atlantic's customer-facing account teams are responsible for providing customers with product information, responding to customer inquiries, and negotiating service implementation issues with customers. All of these functions are required for the successful implementation of collocation arrangements.

**Carrying Costs:** In addition to the functions identified above, administrative expenses include the carrying costs of secondary (support) investments. The secondary investments provide the supporting services necessary for the efficient functioning of the services provided by Bell Atlantic. Secondary investments include such things as general purpose computers and office support equipment used by employees who perform the previously-mentioned administrative functions. Collocation services, like all other Bell Atlantic services, consume a portion of the support investments.

***(c) Bell Atlantic must explain the relationship of its "maintenance-related" administrative costs to the maintenance activities of its equipment vendors, and the degree to which Bell Atlantic's administration of the maintenance process duplicates such vendor activities.***

Bell Atlantic does not outsource maintenance functions for any Bell Atlantic service, including collocation service, to equipment vendors; therefore, duplication of maintenance activities does not occur.

***(d) Bell Atlantic must explain why the expense of administering the equipment maintenance process exceeds the direct expense of maintaining the interconnector-designated equipment.***

The costing methodology used to develop the costs associated with "maintaining" the collocator-designated equipment was designed to replicate the costs incurred by Bell Atlantic in maintaining its own equipment. However, the activities required to keep (or "maintain") equipment in working order encompasses both the maintenance and the administration cost factors. Pure maintenance functions do not happen in a vacuum -- administrative functions such as those outlined in (b) above are necessary to complete a maintenance activity such as replacing a plug-in card.

The two components of maintenance costs should, however, be considered as parts of an integrated maintenance function. The administration of a telecommunications network is a significant task. Moreover, Bell Atlantic has not assigned a discriminatory portion of network administration expenses to collocation services because the levels of maintenance and administrative costs assigned to collocation are consistent with the proportion of those costs assigned to comparable services. Therefore, collocation services are being treated no differently from access services with which the collocators compete. Refer to Exhibit 7 in the September 1, 1994 TRP for information on the expenses assigned to comparable services.

***(e) Bell Atlantic must also explain why more than 95 percent of recurring administrative expenses are attributed to maintenance.***

Bell Atlantic's connection service rate element, which recovers the cost of maintaining the collocator-designated equipment, is comprised of the surrogate transmission equipment, a fiber distribution frame, and coax or ABAM cable. Over 95 percent of the connection service investment is for the surrogate transmission equipment. The administrative expenses associated with the maintenance of the transmission equipment will be over 95 percent of the total administrative expenses for the collocation service rate element because administrative expenses are driven by investment levels.

INFORMATION REQUIREMENT[3]

(a) ***Bell Atlantic must explain in detail the calculation of its surrogate investment expense. In particular, Bell Atlantic must discuss whether the "average investment expense" reflects the average of the purchase prices of the representative transmission equipment currently used in Bell Atlantic's central offices, the average of the purchase prices of equipment requested by interconnectors, or some other value. Bell Atlantic must also provide the data used to compute its average investment expense.***

The surrogate investments for DS3 and DS1 were calculated separately. The DS3 surrogate investment was based on the average investment required for a 560 system fiber optic terminal. The investment for the plug-in cards was estimated based on the forecasted demand for DS3 collocation services. The investment for the fiber optic terminal and the investment for the estimated number of plug-ins were added together to calculate the total surrogate investment. The total investment was then divided by the forecasted DS3 demand to arrive at the per DS3 surrogate investment.

It was assumed that a collocator providing DS1 services would also utilize a 560 system. A 560 system requires multiplexing equipment to provide DS1s. This multiplexing equipment investment was added to the base investment for the 560 system fiber optic terminal. The investment amount for plug-in cards was also added to the base terminal investment. The total investment -- fiber optic terminal, multiplexing equipment, and plug-in cards -- was divided by the estimated demand for DS1 collocation services.

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[3] Order at ¶ 34.

Workpaper 1 (Issue B) contains the surrogate investment development for DS1 and DS3 collocation services for a sample jurisdiction.

The information used in the development of the surrogate investment reflects the average of the purchase prices of representative transmission equipment currently used in Bell Atlantic's central offices.

***(b) Bell Atlantic must address whether the operating expense annual cost factors it applied to its surrogate investment for virtual collocation transmission equipment are the same annual cost factors applied to equipment used for Bell Atlantic's comparable DS1 and DS3 services. If the annual cost factors differ, Bell Atlantic must explain the reason for the differences.***

The annual cost factors ("ACFs") used for collocation and comparable services vary in two respects. First, 1992 ACFs were used for collocation and 1993 ACFs were used for the comparable services cost studies, reflecting the years in which the cost studies were conducted. As shown in the workpapers accompanying Issue A, this timing difference has a minimal impact on all accounts. Second, the circuit equipment account used for the DS1 collocation study was 257C which is for subscriber loop digital equipment, but the collocation cost study used the circuit equipment account of 357C which is for digital equipment - other. This too has a minimal impact on the outcome of the cost studies, as the workpapers demonstrate.

**INFORMATION REQUIREMENT**[4]

(a) ***Bell Atlantic must explain why the maintenance-related expenses for its DS1 virtual collocation service exceed the maintenance-related expenses attributed to its comparable DS1 electrical channel termination service.***

As is the case for all Bell Atlantic access services, the maintenance-related expenses associated with collocation services and channel termination services are investment driven. The per DS1 investment required for collocation services is greater than the per DS1 investment for channel terminations. This difference in investment results from the difference in the utilization forecasts for the two services, and this investment difference drives the difference in maintenance expenses.

The transmission equipment used to provide collocation services is dedicated to a single collocator. A minimal level of maintenance is required regardless of the number of collocation services provided through the collocator-designated equipment. The forecasted lower utilization of collocator-designated equipment means that each collocation service carries a greater share of the base investment. However, the equipment used to provide Bell Atlantic's comparable services is shared among many customers, not dedicated to a single entity. The higher equipment utilization is reflected in the lower unit investment for channel termination services.

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[4] Order at 36.

***(b) Bell Atlantic must specify in detail the equipment and facilities used for its DS1 electrical channel termination service and explain any significant differences between this equipment and that used for DS1 virtual collocation services.***

The equipment and facilities used to provide DS1 channel termination services are described in detail in Bell Atlantic's response to Issue A. DS1 channel termination services are provided by a mixture of several types of multiplexing equipment. The majority of DS1 services are provided on a 150 system fiber optic terminal. DS1 collocation services, however, are provided on a surrogate 560 system fiber optic terminal. The use of a higher capacity multiplexer for DS1 collocation service is because the collocator will most likely use a single piece of equipment to provide a wider variety of services than would a typical DS1 customer.

***(c) Bell Atlantic must provide the investment amount and related expenses for all equipment and facilities listed in response to section (b), above.***

The investment and expense information for DS1 channel termination services is provided in Issue A, Workpaper 3, pp. 4-6.

***(d) Bell Atlantic must provide responses to sections (a) through (c), above, with respect to the maintenance-related expenses attributed to its comparable DS3 electrical and optical channel termination services.***

The maintenance-related expenses for DS3 collocation services do not exceed the maintenance-related expenses for DS3 channel terminations.

BELL ATLANTIC

Workpaper 1
Issue B

## SURROGATE INVESTMENT DEVELOPMENT

| | | | Sample Jurisdiction |
|---|---|---|---|
| | ***DS3 Investment Surrogate*** | | |
| 1. | 560 Fiber Optic Terminal | | $32,740 |
| 2. | Plug–in Investment, per DS3 | | $5,652 |
| 3. | DS3s Required | | 2.39 |
| 4. | Total Plug–in Investment | L2 * L3 | $13,508 |
| 5. | Total Investment<br>– Terminal and Plug–ins | L1 + L4 | $46,248 |
| 6. | Investment, per DS3 | L5 / L3 | $19,351 |
| | ***DS1 Investment Surrogate*** | | |
| 7. | Multiplexing Equipment | | $10,450 |
| 8. | 560 Fiber Optic Terminal | | $32,740 |
| 9. | Plug–in Investment, per DS3 | | $5,652 |
| 10. | DS3s Required (to serve 10.33 DS1s) | | 1 |
| 11. | Total Plug–in Investment | L9 * L10 | $5,652 |
| 12. | Total Investment<br>– Mux, Terminal, Plug–ins | L7 + L8 + L11 | $48,842 |
| 12. | Investment, per DS1 | L12 / 10.33 | $4,728 |

# CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Reply to Oppositions to Bell Atlantic's Direct Case" was served this 11th day of April, 1995 by first class mail, postage prepaid, on the parties on the attached list.

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